



MONROE CITY COUNCIL

Agenda Bill No. 20-066

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| SUBJECT: | <i>Resolution Authorizing the use of Digital and Electronic Signatures</i> |
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| DATE: | DEPT: | CONTACT: | PRESENTER: | ITEM: |
| 05/12/2020 | Finance/City Clerk | Becky Hasart | Becky Hasart | Consent Agenda #5 |

Discussion: 05/12/2020

Attachments: 1. Resolution 006/2020 – A Resolution of the City Council of the City of Monroe, Washington Authorizing the Use of Digital and Electronic Signatures in the City of Monroe.

REQUESTED ACTION: Move to adopt Resolution 006/2020 – A Resolution of the City Council of the City of Monroe, Washington Authorizing the Use of Digital and Electronic Signatures in the City of Monroe.

POLICY CONSIDERATIONS

Former RCW 19.34, Washington Electronic Authentication Act, allowed for political jurisdictions to use digital and electronic signatures as a normal course of business with the adoption of the appropriate policy and/or resolution. This chapter was repealed in 2019 but the basic authority has been recodified throughout RCW, thus still allowing for the use of electronic and digital signatures with the adoption of local authority through a policy and/or resolution.

COVID-19 compliance - Due to the Governor’s Stay Home Stay Healthy order, obtaining “wet” signatures can be a logistical challenge, which has led to delays in conducting City business. The adoption of this resolution will allow the City to utilize digital and electronic signatures as we comply with the social distancing protocols as required by the Governor’s order.

DESCRIPTION/BACKGROUND

The City has been researching the ability to use digital and electronic signatures as a means to be more efficient with the conduct of City business. State legislative authority allows local jurisdiction to use digital and electronic signatures in lieu of “wet” signatures and recognizes the legitimacy of this means of signing documents through the adoption of local policies and/or resolution. The attached resolution is needed in order to begin using digital and electronic signatures.

To utilize digital and electronic signatures in compliance with the Resolution, appropriate City staff will be given access to Adobe Pro, an accepted platform for digital/electronic signatures. The City currently has Adobe Pro licenses for some directors. We would need to purchase additional licenses depending on the number of authorized digital signors.

FISCAL IMPACTS

The last purchase of Adobe Pro the City made in August 2019 cost \$69.58. An inventory would need to be made to determine how many more licenses need to be purchased and who would have authority to sign digitally/electronically. If ten new licenses are needed, total costs, with estimated inflation, would be \$750.00. There is no anticipated maintenance costs beyond initial purchase.



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TIME CONSTRAINTS

The sooner the Resolution is adopted, the sooner we can begin using digital/electronic signatures. Currently, obtaining “wet” signatures during the Stay Home Stay Healthy order has delayed contract executions and requires extra coordination in order to comply with appropriate social distancing protocols.

ALTERNATIVES TO REQUESTED ACTION

- Do not approve the Resolution and continue to use “wet” signatures only.

CITY OF MONROE
RESOLUTION NO. 006/2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONROE, WASHINGTON, AUTHORIZING THE USE OF
DIGITAL AND ELECTRONIC SIGNATURES IN THE CITY
OF MONROE.

WHEREAS, an electronic signature is an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record; and

WHEREAS, a digital signature is one type of electronic signature that contains a digital certificate, issued by a licensed certificate authority, behind the signature and offers authentication when sending a "signed" electronic document; and

WHEREAS, electronic signatures may be used for official public business to provide reasonable assurance of the integrity, authenticity, and nonrepudiation of an electronic communication with the adoption of appropriate legislative authority; and

WHEREAS, the state legislature, to the extent not already authorized by federal or state law, authorizes electronic dealings for governmental affairs and intends to promote electronic transactions and remove barriers that might prevent electronic transactions with governmental entities; and

WHEREAS, a digital signature is as legal, valid, effective, and enforceable as a written signature; and

WHEREAS, a valid digital signature that is issued by a certificate authority provides the following protections:

1. Verifies the signer is who they represent themselves to be because the signer has had to prove their identity to a certificate authority to obtain the digital signature;
2. Confirms the signature was applied to the document and not copied from another document because the signature file is cryptographically bound to the document; and
3. Ensures the document was not altered after it was signed.

WHEREAS, a digitally-signed document is an original of the document; and

WHEREAS, the private key used to create a digital signature is the personal property of the subscriber and is exempt from public inspection and copying under Chapter 42.56 RCW; and

WHEREAS, the method and process for electronic submissions and the use of electronic signatures must be established by ordinance, resolution, policy, or rule; and

WHEREAS, digital and electronic signatures provide a convenient, time-saving, and secure way of signing electronic documents; and

WHEREAS, the use of digital and electronic signatures for City documents and to conduct City business, where appropriate and permitted by law, will lessen administrative demands, improve efficiency, increase access to public information for all Monroe residents, leverage the City's investments in digital technology, and provide for predictable processes throughout the City; and

WHEREAS Governor Jay Inslee's Stay Home/Stay Healthy Order requires business be conducted utilizing all social distancing protocols, which can limit or hinder the City's ability to conduct business by its inability to have documents signed in a timely manner;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

THAT, City of Monroe employees who are designated by the City Council and/or the Mayor or his/her designee may sign City documents digitally if such an option is available, providing the following:

1. The City employee is authorized by the City Council or the Mayor and/or his/her designee to sign the document;
2. The digital certificate utilized by the City employee in connection with the digital signature is obtained from a certification authority in compliance with state law;
3. The digital certificate is not expired when the authorized City employee signs the document digitally;
4. The City employee does not provide information to the certification authority they know to be untrue; and
5. The digital signature contains the following information:
 - a. A hand-written representation of the City employee's signature;
 - b. A typed representation of the City employee's name and title; and
 - c. The date and time of the signature.

THAT, in addition to the foregoing, the Mayor, or his/her designee, may approve use of an electronic signature for official public business conducted by a City of Monroe Department if the process employed for the electronic signature provides for security, authentication, record integrity, and non-repudiation of the electronic communication.

THAT, a City document that is required by law to be signed in non-electronic media may not be digitally or electronically signed.

THAT, an electronically or digitally signed document shall be deemed the equivalent of an original signed document if the individual or entity signing the document has complied with the provisions of this Resolution.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this _____ day of _____, 2020.

Approved: _____, 2020
Effective: _____, 2020

CITY OF MONROE, WASHINGTON

(SEAL)

Geoffrey Thomas, Mayor

ATTEST:

Becky Hasart, Interim City Clerk